

AMENDMENT UNDER 37 C. F. R. §1.111
U. S. Application No. 09/709,514

REMARKS

Claims 1-15 are all the claims pending in the application.

Claims 1-15 are pending in the application. Applicant adds new claims 16-22. Claims 4 and 13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-2, 6-7, 8, 10-11, and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Schwartz (U.S. Patent No. 6,075,888) ("Schwartz"). Claims 3, 5, 9, 12, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 4 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the § 112, second paragraph, rejection and in independent form. Applicant adds new claims 16-22 to more particularly claim the invention and to make changes to claims 14 and 13 to obviate the § 112 rejections. In traversal of the prior art rejections, Applicant submits the following arguments.

Applicant's invention relates to a profile producing method and a profile producing apparatus for producing a profile representative of the association between the colors on a color image and the color data in accordance with which the color image is outputted.

Schwartz relates to system that allows a user to tune a designated color profile for a specific color input or output device thereby creating a device specific profile from a profile for a similar device or from a generic device profile.

Applicant respectfully submits that claim 1 is patentable because the Examiner has not shown how each and every element of the claim is taught or suggested by Schwartz. In combination with other elements, claim 1 recites a profile producing method comprising:

AMENDMENT UNDER 37 C. F. R. §1.111
U. S. Application No. 09/709,514

a color association definition obtaining step of obtaining a color association definition, in which distribution of coordinate points is relatively rough, defining an association between the first color data representative of coordinates on the first color space and the second color data representative of coordinates on the second color space;

The section cited by the Examiner (col. 4, lines 36-61) merely discusses producing a set of gray patches and a set of color patches from given nominal color values using the previously selected base output profile. Nowhere in the cited section is there any teaching or suggestion of defining an association between two sets of color data, as recited in the claim. Rather, the reference teaches the opposite of what is recited in the claims in that the reference teaches obtaining a base output profile, i.e., a pre-existing color association, and then obtaining two sets of patches based on the base output profile. In the section cited by the Examiner as teaching the color association definition obtaining step, the reference fails to obtain any sort of association between the patches and the given nominal color values.

Further, the reference fails to teach or suggest a profile producing step as recited in the claim. Nowhere in the reference is there any correction of “the first profile selected in said profile selection step in accordance with” what the Examiner characterizes as “the color association definition obtained in said color association definition obtaining step” in combination with other elements of the claim. In the section of the reference cited by the Examiner as teaching the claimed color association definition obtaining step, only the base output profile is disclosed. Subsequently, in the discussion of the claimed profile selection step, the Examiner cites the selected base output profile as being analogous to the claimed first profile. In the claim, the profile producing step produces a second profile by correcting the first profile in accordance with the color association definition, in combination with other elements of the claim. Thus,

AMENDMENT UNDER 37 C. F. R. §1.111
U. S. Application No. 09/709,514

according to the Examiner's characterization of the reference, the claimed second profile would be produced by correcting the base output profile (the first profile) in accordance with itself (color association definition), i.e., correcting the base output profile in accordance with the base output profile. In view of the inconsistent positions held by the Examiner in the rejection of claim 1, Applicant submits that each and every element of the claim is not taught or suggested, and therefore, claim 1 is patentable.

It is also not clear how the various base profile is finer than the color value targets. By contrast, claim 1 describes a profile selection with relatively finer spacing than a color association definition.

Claim 2, which depends from claim 1, is patentable for at least the reasons submitted for claim 1.

Similarly, claim 6 is patentable for the reasons submitted for claim 1, i.e., the reference fails to teach or suggest the color association obtaining step as recited in the claims. In addition, claim 6 is patentable because the Examiner has not shown how Schwartz teaches or suggests a curve arithmetic operating step including "an arithmetic operation for determining a curve formed through coupling relatively small number of points extracted from the color association definition, which are plotted on a plane represented a color axis of the first color space and a color axis of the second color space," in combination with other elements of the claim. In the sections of the reference cited by the Examiner (col. 6, lines 28-30, and col. 7, lines 1-3) there is no mention of the plane as recited in the claim.

Claims 7, 8, and 10, which depend from claim 6, are patentable for at least the reasons submitted for claim 6.

AMENDMENT UNDER 37 C. F. R. §1.111

U. S. Application No. 09/709,514

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

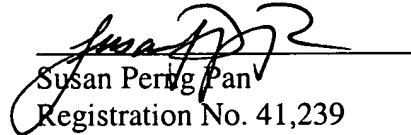
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Susan Perry Pan
Registration No. 41,239

Date: January 23, 2004



6/14

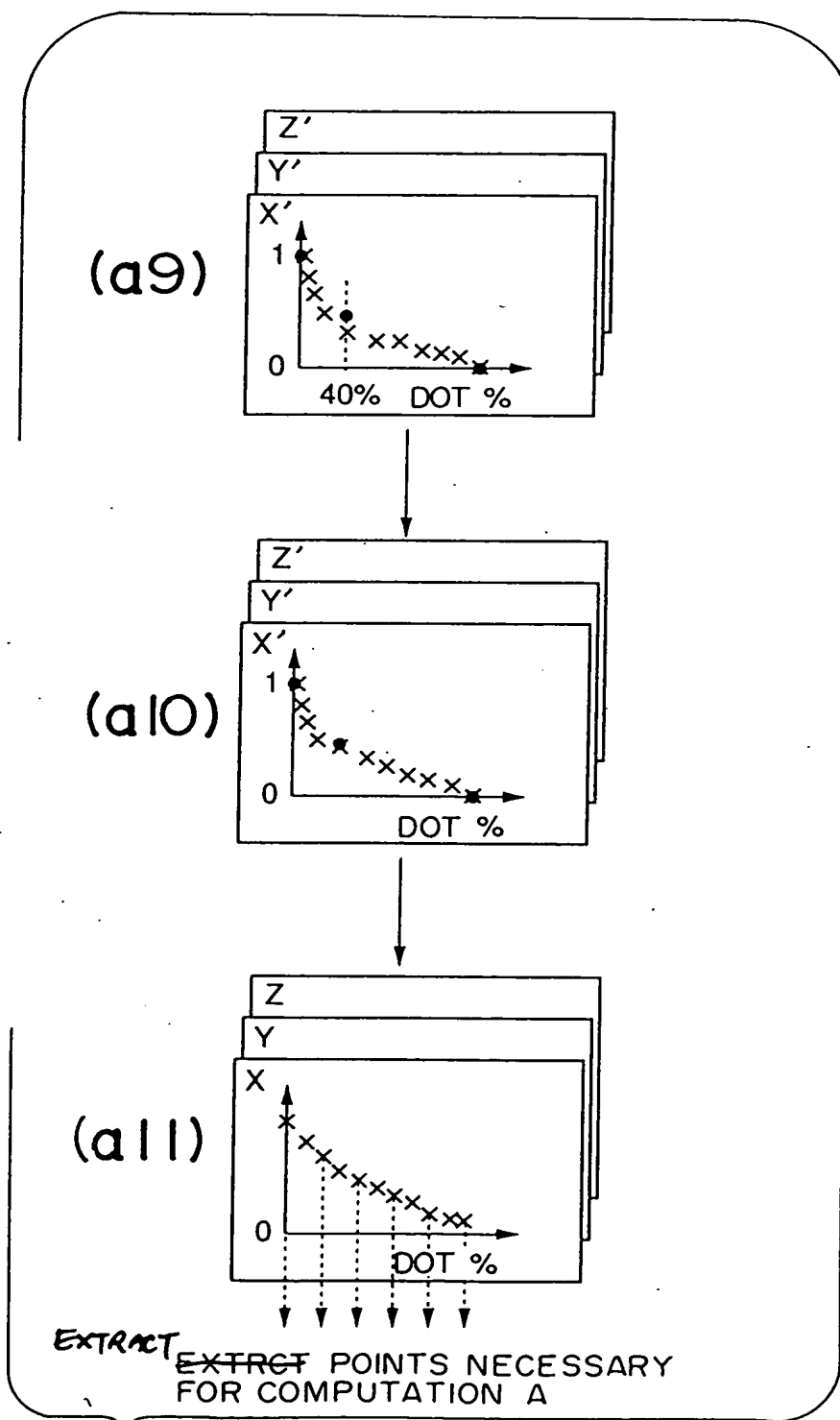


Fig. 7



14/14

PRIOR ART

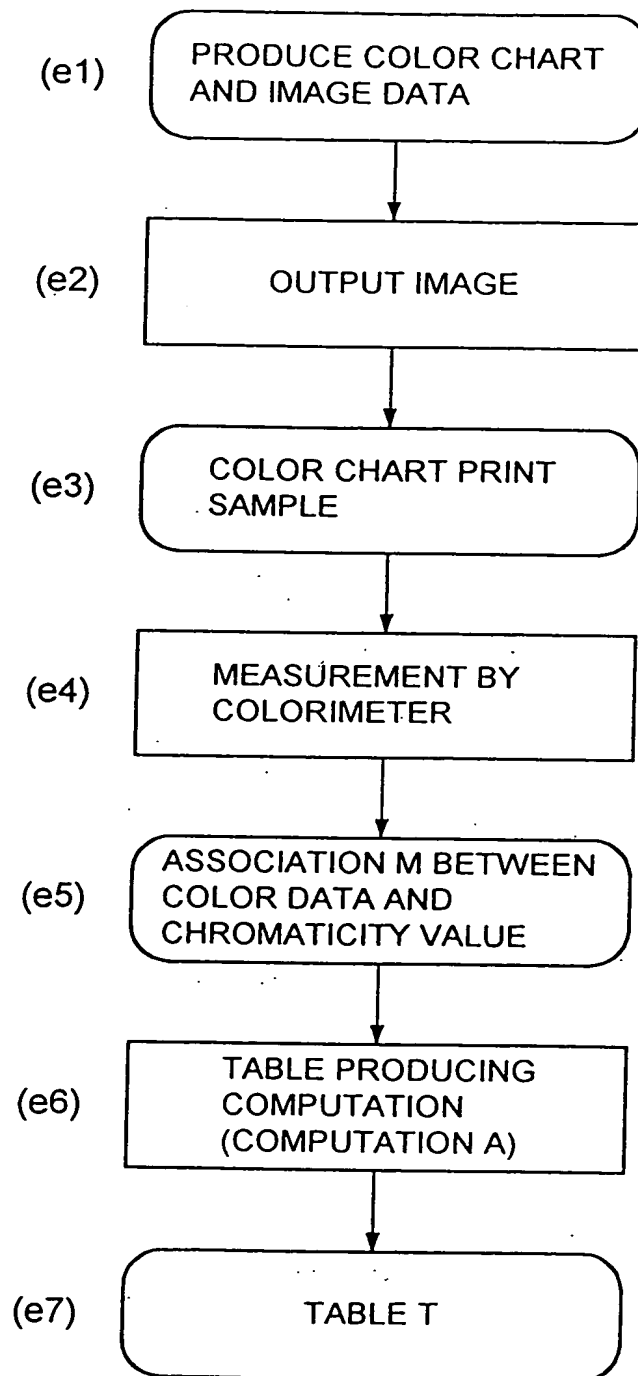


Fig. 19